

# **EXHIBIT 5**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

Case No.

UBER TECHNOLOGIES, INC.; 17-cv-00939-WHA

OTTOMOTTO, LLC; OTTO

TRUCKING LLC,

Defendants.

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF PAUL FRENCH

San Francisco, California

Tuesday, October 3, 2017

Volume I

REPORTED BY:

REBECCA L. ROMANO, RPR, CSR No. 12546

JOB NO. 2715705

PAGES 1 - 276

1 request)."

2 Do you see that?

3 A. I do.

4 Q. You didn't ask to see any of the systems  
5 that were available for inspection, correct?

6 A. Not as it relates to evaluating this  
7 report, no.

8 Q. Even though you saw that that was among  
9 the materials that Mr. Faulkner considered,  
10 correct?

11 MR. BAKER: Objection to form.

12 THE DEPONENT: Well, I -- that's the way  
13 I took that statement. I just took a statement as  
14 open-ended. If in the future they wanted  
15 additional inspections or additional work done,  
16 they could request it. Waymo could request it.

17 Q. (By Ms. Ray) But you didn't ask Waymo to  
18 request inspections so that you could look at Uber  
19 systems, correct?

20 A. Not for this report, no.

21 Q. And if you look at page 5 of  
22 Exhibit 2997, Mr. Faulkner's report.

23 A. I'm sorry. What -- what was that again?

24 Q. Page 5.

25 A. Page 5.

1           Q.    The last bullet point, it says  
2    "Relativity instance hosted by Stroz Friedberg,"  
3    and then it names the relativity instance,  
4    "(Available for further inspection upon Waymo's  
5    request)."

6                   Do you see that?

7           A.    I do.

8           Q.    You didn't ask to see that relativity  
9    instance, did you?

10          A.    I did not, no.

11          Q.    And then you see there's another  
12   relativity instance listed above that was also  
13   available for inspection upon Waymo's request.

14                You also didn't ask to inspect that,  
15   correct?

16          A.    Correct. I wasn't sure if that was  
17   already done or not.

18          Q.    Okay. When you say you weren't sure  
19   whether that was done or not, you mean by Waymo's  
20   counsel?

21          A.    Correct.

22          Q.    Did you ask Waymo's counsel whether it  
23   had been done or not?

24          A.    I did not, no.

25          Q.    And you see on page 5, the sixth bullet

1 I, Rebecca L. Romano, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:

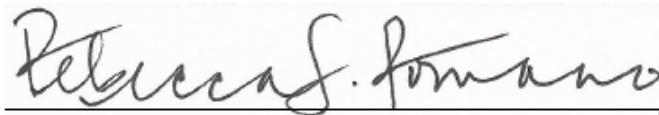
4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were administered an oath;  
8 that a record of the proceedings was made by me  
9 using machine shorthand which was thereafter  
10 transcribed under my direction; that the foregoing  
11 transcript is true record of the testimony given.

12 Further, that if the foregoing pertains to the  
13 original transcript of a deposition in a Federal  
14 Case, before completion of the proceedings, review  
15 of the transcript [ ] was [x] was not requested.

16 I further certify I am neither financially  
17 interested in the action nor a relative or employee  
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date  
20 subscribed my name.

21 Dated: October 4, 2017

22  
23 

24 Rebecca L. Romano, RPR,  
25 CSR. No 12546